

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America)

Case No: 4:08-cr-1079-002 (TLW)

)

USM No: 16907-171

-versus-)

Pro se

)

Defendant's Attorney

Richard Lane Byrd)

)

Date of Previous Judgment: June 30, 2009)

(Use Date of Last Amended Judgment if Applicable))

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of one hundred twenty-five (125) months, consisting of one hundred twenty-five months as to Count 1 and one hundred twenty months as to Count 2, with such terms to run concurrently, for a total aggregate sentence of one hundred twenty-five months **is reduced to** one hundred twenty (120) months. This term of imprisonment consists of one hundred twenty months as to Count 1 and one hundred twenty months as to Count2, with all such terms to run concurrently, for a total aggregate sentence of one hundred twenty months.

Except as provided above, all provisions of the original judgment filed June 30, 2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 16, 2013

s/ Terry L. Wooten
Judge's signature

Effective Date:
(if different from order date)

Terry L. Wooten, United States District Judge
Printed name and title

This second page contains information that should not be filed in court unless under seal.

(Not for Public Disclosure)

DEFENDANT: **Richard Lane Byrd**

CASE NUMBER: 4:08-cr-1079-002 (TLW)

DISTRICT: South Carolina

I. COURT DETERMINATION OF GUIDELINE RANGE *(Prior to Any Departures)*

Previous Offense Level:	30	Amended Offense Level:	26
Criminal History Category:	III	Criminal History Category:	III
Previous Guideline Range:	121-151 months	Amended Guideline Range:	120 months (per statute)

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure and/or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range
- ☐ Other *(explain)*:

III. ADDITIONAL COMMENTS